

fied generally to chapter 18 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title, and Tables.

The United States International Broadcasting Act of 1994, referred to in subsec. (c), is title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Foreign Affairs Reform and Restructuring Act of 1998, referred to in subsec. (c), is division G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-761, as amended. For complete classification of division G to the Code, see Short Title note set out under section 6501 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Radio Free Afghanistan Act, and not as part of the United States International Broadcasting Act of 1994 which comprises this chapter.

### CHAPTER 72—NUCLEAR PROLIFERATION PREVENTION

#### SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION

- |               |   |
|---------------|---|
| Sec.<br>6301. | Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation.<br>(a) Determination by President.<br>(b) Consultation with and actions by foreign government of jurisdiction.<br>(c) Sanction.<br>(d) Advisory opinions.<br>(e) Termination of sanction.<br>(f) Waiver.  |
| 6302.         | Role of international financial institutions.   |
| 6303.         | Prohibition on assisting nuclear proliferation through provision of financing.<br>(a) "Prohibited activity" defined.<br>(b) Prohibition.<br>(c) Presidential determination and order with respect to United States and foreign persons.<br>(d) Sanctions.<br>(e) Consultation with and actions by foreign government of jurisdiction.<br>(f) Termination of sanctions.<br>(g) Waiver.<br>(h) Enforcement action.<br>(i) "Knowingly" defined.<br>(j) Scope of application. |
| 6304.         | Reporting on demarches.   |
| 6305.         | Definitions.  |

#### SUBCHAPTER II—INTERNATIONAL ATOMIC ENERGY AGENCY

- |       |   |
|-------|---|
| 6321. | Bilateral and multilateral initiatives.                                   |
| 6322. | IAEA internal reforms.  |
| 6323. | Reporting requirement.<br>(a) Report required.<br>(b) Contents of report. |
| 6324. | Definitions.  |

#### SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION

### § 6301. Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation

#### (a) Determination by President

##### (1) In general

Except as provided in subsection (b)(2) of this section, the President shall impose the

sanction described in subsection (c) of this section if the President determines in writing that, on or after the effective date of this subchapter, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 6305(2) of this title), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

#### (2) Persons against which the sanction is to be imposed

The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

#### (3) Other sanctions available

The sanction which is required to be imposed for activities described in this subsection is in addition to any other sanction which may be imposed for the same activities under any other provision of law.

#### (4) Definition

For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 78dd-2 of title 15.

#### (b) Consultation with and actions by foreign government of jurisdiction

##### (1) Consultations

If the President makes a determination described in subsection (a)(1) of this section with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

##### (2) Actions by government of jurisdiction

In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that